

JOHN C. DUVALL,)
)
Petitioner,)
)
v.) No. 4:07CV1232 ERW
)
LARRY CRAWFORD,)
)
Respondent.)

Petitioner says that he was confused by the Court's January 3, 2008, Scheduling Order, in which the Court ordered respondent to file a brief "informing the Court whether any aspect of the petition is barred for procedural reasons, including but not limited to, statute of limitations, procedural default, and exhaustion." Respondent filed his brief on January 11, 2008. In his brief, respondent argued that ninety-six of petitioner's ninety-eight claims are procedurally barred and that the remaining two claims fail on the merits. On January 14, 2008, the Court entered an Order allowing petitioner to file a reply to respondent's brief. The Court has given petitioner several extensions of time to file his reply, and his reply is now due no later than July 2, 2008.

Rule 4 of the Rules Governing § 2254 Cases states in relevant part, “If the petition is not dismissed, the judge must order the respondent to file an answer, motion, *or other response within a fixed time, or to take other action the judge may order.*” In crafting the January 3, 2008, Scheduling Order, the Court was operating under the authority of Rule 4, which allows the Court to order a respondent to file an appropriate response in any given situation. In this case, petitioner filed an extremely long petition raising a plethora of claims that do not appear to have been properly presented to the state courts. As a result, the Court ordered respondent to file a response addressing any procedural defenses he wished to raise. The Court did not require respondent to file an answer under Rule 5 because it would have been extremely inefficient to require respondent to address the merits of, perhaps, ninety-six claims that were not properly presented to the state courts.

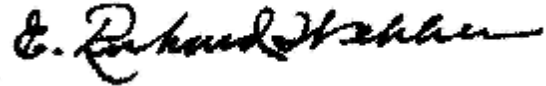
It has been six months since the Court gave petitioner the opportunity to respond to respondent’s January 11, 2008, brief. Since that time, petitioner has filed hundreds of pages of legal materials but has failed to file a reply brief. Petitioner is reminded that his reply brief is due no later than July 2, 2008. As the Court stated in its Order dated June 2, 2008, no further extensions will be granted.

When this matter is briefed, the Court will examine the briefs and the petition and will decide if any or all of petitioner’s claims should be dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's Motion for Clarification of Scheduling Order [#52] is **DENIED**.

So Ordered this 10th Day of June, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE